

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NMT MEDICAL, INC. and LLOYD A.
MARKS,

Plaintiffs,

V.

AGA MEDICAL CORPORATION,

Defendant.

Civil Action No. 04-CV-12565 NG

AGA MEDICAL CORPORATION,

Plaintiff,

V.

NITINOL MEDICAL TECHNOLOGIES,
INC. d/b/a NMT MEDICAL, INC. and
LLOYD A. MARKS,

Defendants.

Civil Action No. 05-CV-11804 NG

STIPULATED ORDER OF DISMISSAL WITH PREJUDICE

The parties, by their undersigned counsel, stipulate and agree, subject to the approval of the Court, that:

1. CIVIL ACTION No. 04-CV-12565, is dismissed in its entirety with prejudice pursuant to Rule 41(a)(1), Fed. R. Civ. P.;
2. CIVIL ACTION No. 05-CV-11804, is dismissed in its entirety with prejudice pursuant to Rule 41(a)(1), Fed. R. Civ. P.; and

3. Each party shall bear its own costs and attorneys' fees.

SO ORDERED:

Dated: _____, 2006

United States District Judge

AGREED TO:

NMT MEDICAL, INC. Inc.
and LLOYD A. MARKS

By:



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